

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHRISTOPHER FRICK,

Plaintiff,

v.

DR. DY, *et al.*,

Defendants.

Case No. C22-801-JHC-MLP

ORDER

This is a prisoner civil rights action proceeding under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971). Plaintiff Christopher Frick, proceeding *pro se* and *in forma pauperis* (“IFP”), is a federal prisoner who is confined at the Federal Detention Center (“FDC”) in SeaTac, Washington. This matter is before the Court on Defendants’ “Motion to Extend Deadline to File a Responsive Pleading” (“Defendants’ Motion”). (Dkt. # 37.)

Defendants’ Motion seeks an extension of time to file a response to Plaintiff’s Second Amended Complaint (“SAC”) (dkt. # 24) and his Motion for Temporary Release Order/and or Preliminary Injunction (“Plaintiff’s Motion”) (dkt. # 33). (Dkt. # 37.) Defendants’ Motion explains that the named Defendants in this matter are, or were, federal employees acting within the scope of their employment at times relevant to the allegations in Plaintiff’s SAC, and that

1 they are currently awaiting a decision from the Department of Justice on their request for  
 2 representation.<sup>1</sup> (*Id.* at 2.) Defendants' Motion further indicates that a decision with respect to  
 3 Defendants' representation request is expected within the next 60 days, and therefore, requests  
 4 that the Court extend the deadlines to file responses to the SAC and Plaintiff's Motion by 60  
 5 days. (*Id.*) Plaintiff has not filed an opposition.

6 Based on Defendants' Motion, and the process Defendants are required to engage in to  
 7 obtain personal representation, the Court concludes it is appropriate to grant Defendants an  
 8 extension of time to file their responses. Accordingly, it is hereby ORDERED that Defendants'  
 9 Motion (dkt. # 37) is GRANTED in part. Defendants' Response to Plaintiff's Motion shall be  
 10 filed on or before **January 2, 2023**. The Clerk is directed to RE-NOTE Plaintiff's Motion (dkt.  
 11 # 33) for this Court's Consideration on **January 6, 2023**.

12 Based on Defendants' representation that they received copies of Plaintiff's summons  
 13 and complaint by certified mail between November 9, 2022, and November 12, 2022 (*see* dkt.  
 14 # 37 at 2), Defendants' time to file a response to Plaintiff's SAC shall be extended an additional  
 15 30 days, to be filed on or before **February 13, 2023**.

16 The Clerk is directed to send copies of this Order to Plaintiff, to the Office of the United  
 17 States Attorney for the Western District of Washington, and to the Honorable John H. Chun.

18 Dated this 14th day of November, 2022.

19 

20 MICHELLE L. PETERSON  
 21 United States Magistrate Judge

22 <sup>1</sup> Defendants' Motion represents that the assigned AUSA does not yet have authority to represent any  
 23 Defendant in this lawsuit in his or her individual capacity but that the requested extension is brought on  
 behalf of Defendants J. Parker, Dr. Dy, Smith, Beihling, Fernandez, Jacquez, and Durano. (*See* dkt. # 37  
 at 1 n.1.) Defendants' Motion represents that Defendant Scotty Bussell is no longer a Bureau of Prisons  
 employee, and that to the United States' knowledge, he has not yet been served. (*Id.* at 1 n.2.)